

**STATE OF FLORIDA
FISH AND WILDLIFE CONSERVATION COMMISSION**

DAVID ESPINOSA,

Petitioner,

**DOAH Case No. 19-5703
FWC Case No. 19-0022**

v.

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,**

Respondent.

FINAL ORDER

THIS CAUSE came before the Florida Fish and Wildlife Conservation Commission (Commission) on a Petition for a formal administrative hearing (Petition) filed by David Espinosa (Petitioner or Espinosa). The Petition challenged the Commission's determination that Petitioner's three vessels were derelict and abandoned.

STATEMENT OF THE ISSUE

WHEREAS Espinosa received notification from the Commission dated March 29, 2019 that his vessels were derelict and of the Commission's intent to destroy those derelict vessels. Petitioner disputed that the vessels were derelict. He contends the vessels are fully operational.

There were originally 3 separate cases that were consolidated into one and the matter was referred to the Division of Administrative Hearings (DOAH) on October 24, 2019. The Commission staff re-inspected the vessels at issue and agreed they no longer meet the definition of derelict, so the issue is now moot.

CONCLUSIONS OF LAW

Upon review of the record, the Commission makes the following legal conclusion:

As Executive Director of the Commission or his designee, the undersigned has jurisdiction over this subject matter and authority to enter a final order pursuant to Rule 68-1.009, Florida Administrative Code, and the Commission's Delegation of Authority, dated February 14, 2013, and in accordance with Section 120.57(2), Florida Statutes.

ORDER

WHEREFORE, since the parties herein have agreed the issue is now moot and DOAH has closed its case and relinquished jurisdiction back to the Commission, see Exhibit attached hereto and incorporated herein as Respondent's Exhibit 1, it is **ORDERED** that this matter is closed.

DONE AND ORDERED in Tallahassee, Florida this 9th day of January, 2020.



Thomas H. Eason

Thomas H. Eason, Ph.D.
Assistant Executive Director
Florida Fish and Wildlife Conservation
Commission

Filed with the Commission
This 10th day of January, 2020.

ATTEST:

Jill Canfield
Jill Canfield, Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above Final Order has been furnished by US mail to: David Espinosa, 2010 Seidenbert Avenue, Key West, Florida 33060, and by electronic mail to newhotart@gmail.com ,and to Brandy Elliot, Assistant General Counsel, Florida Fish and Wildlife Conservation Commission, at brandy.elliott@myfwc.com; on this 10th day of January, 2020.



Jill Canfield, Deputy Clerk
Florida Fish and Wildlife Conservation
Commission.
620 South Meridian Street
Tallahassee, Florida 32399
(850) 487-1764

NOTICE OF APPELLATE RIGHTS

The foregoing constitutes final agency action in this matter. Any party adversely affected has the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, and Rules 9.030(b)(1)(C) and 9.110, Florida Rules of Appellate Procedure. To initiate an appeal, a Notice of Appeal must be filed with the Florida Fish and Wildlife Conservation Commission, Legal Office, and the appropriate District Court of Appeal within thirty (30) days for the date this Final Order is filed with the Agency Clerk. The Notice filed with the District Court of Appeal must be accompanied by the appropriate fee required by law.